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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Fund For Empowerment, *et al.*,

10 Plaintiffs,

11 v.

12 City of Phoenix, *et al.*,

13 Defendants.
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No. CV-22-02041-PHX-JJT

ORDER

15 At issue is Plaintiffs' Motion for Preliminary Injunction, Request for Expedited
16 Hearing, and Memorandum of Points and Authorities (Doc. 2). Upon review, the Court
17 will require an expedited response from Defendants and will set a hearing.

18 **IT IS HEREBY ORDERED** that Plaintiffs shall serve upon the known Defendants
19 copies of the Complaint, Motion, Summons (Docs. 1, 2, 6) and this Order by no later than
20 **5:00 PM** (Arizona time), **today, December 2, 2022**. Plaintiffs shall file a certificate of
21 service on the docket by no later than **12 noon** (Arizona time) **Saturday, December 3,**
22 **2022.**

23 **IT IS FURTHER ORDERED** that Defendants shall file a Response to Plaintiffs'
24 Motion for a Temporary Restraining Order (Doc. 2) by no later than **5:00 PM** (Arizona
25 time), **December 9, 2022.**

26 **IT IS FURTHER ORDERED** that Plaintiffs shall file any Reply to Defendants'
27 Response no later than **5:00 PM** (Arizona time), **December 12, 2022.**
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1 **IT IS FURTHER ORDERED** setting a hearing on the Preliminary Injunction
 2 Motion Wednesday, **December 14, 2022, from 9:00 AM to 11:30 AM** (Arizona time) in
 3 Courtroom 505, 401 W. Washington Street, Phoenix, AZ 85003 before Judge John J.
 4 Tuchi. Each side shall have 75 minutes to present whatever evidence or arguments they
 5 wish to present. If the Court requires additional time for its own questions to counsel, at
 6 the Court's discretion, the hearing will resume at 1:00 PM for such questioning only
 7 (Arizona time).

8 **IT IS FURTHER ORDERED** that the parties shall jointly prepare and file a pre-
 9 hearing statement by no later than **10:00 AM** (Arizona time), **December 13, 2022**, setting
 10 forth the following information:

11 **A. COUNSEL FOR THE PARTIES**

12 Include the mailing addresses, office phone numbers and e-mail addresses of
 13 counsel who will appear at the hearing for all parties.

14 **B. WITNESSES**

15 No party shall conduct direct examination of witnesses at the Preliminary Injunction
 16 hearing, but rather the Court will rely on declarations and affidavits that have been timely
 17 served and filed prior to the Preliminary Injunction hearing for direct testimony. However,
 18 the opposing party may conduct cross-examination of any witness, unless the parties agree
 19 a declarant need not be cross-examined for purposes of this hearing or the proponent of a
 20 declaration can show the declarant is unavailable and the party propounding the declaration
 21 has made a good faith effort to secure the declarant's presence. Accordingly, in the joint
 22 pre-hearing statement, each party shall separately list the names of its witnesses, their
 23 respective addresses, whether a fact or expert witness, and a brief statement as to the
 24 testimony of each witness.

25 Additionally, the parties shall adhere to the following provision and include it in
 26 this section of the joint pre-hearing statement: "Each party understands that it is responsible
 27 for ensuring that the witnesses whose testimony the party will rely on are subpoenaed. Each
 28 party further understands that any witness whose testimony is offered to the Court shall be

1 listed on that party's list of witnesses, and that party cannot rely on any witness having
2 been listed or subpoenaed by another party."

3 The sequence in which witnesses will be called for cross-examination shall be
4 determined by the party conducting the cross-examination. Moreover, the time taken to
5 cross-examine a witness counts against the party conducting the cross-examination. There
6 shall be no re-direct of a witness except in extraordinary situations.

7 **C. LIST OF EXHIBITS**

8 The parties shall number exhibits to correspond to the exhibit numbers listed in the
9 joint pre-hearing statement, and the joint pre-hearing statement shall include the following
10 information:

11 **1.** The following exhibits are admissible in evidence and may be marked
12 in evidence by the Clerk:

13 **a.** Plaintiffs' Exhibits:

14 **b.** Defendants' Exhibits:

15 **2.** As to the following exhibits, the parties have reached the following
16 stipulations:

17 **a.** Plaintiffs' Exhibits:

18 **b.** Defendants' Exhibits:

19 **3.** As to the following exhibits, the party against whom the exhibit is to
20 be offered objects to the admission of the exhibit and offers the objection stated below:

21 **a.** Plaintiffs' Exhibits:

22 (E.g., City Hospital records of Plaintiff from March 6, 1985 through March 22,
23 1985. Defendants object for lack of foundation because . . . (the objection must specify
24 why there is a lack of foundation)).

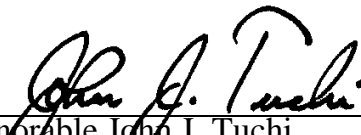
25 **b.** Defendants' Exhibits:

26 (E.g., Payroll records of Plaintiff's employer that constitute evidence of payment of
27 Plaintiff's salary during hospitalization and recovery. Plaintiff objects on grounds of
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1 relevance and materiality because . . . (the objection must specify why the exhibit is not
2 relevant or material)).

3 The parties shall adhere to the following provision and include it in this section of
4 the joint pre-hearing statement: “Each party hereby acknowledges that, by signing this joint
5 pre-hearing statement, any objections not specifically raised herein are waived.”

6 Dated this 2nd day of December, 2022.

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10 Honorable John J. Tuchi
11 United States District Judge
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